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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/469,715	12/21/1999	JAMES M. GARDNER	CISCP647	5302

26541 7590 08/07/2003

RITTER, LANG & KAPLAN  
12930 SARATOGA AE. SUITE D1  
SARATOGA, CA 95070

EXAMINER

NGUYEN, HANH N

ART UNIT	PAPER NUMBER
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2662

DATE MAILED: 08/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/469,715

Applicant(s)

GARDNER ET AL.

Examiner

Hanh Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Application filed on 12/21/99.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,6,8-10 and 13 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 7, 11, 12 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6&8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Oath/Declaration*

The application does not have the Oath/Declaration. Applicant is required to submit a new Declaration.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 3, 8, 9, 10 are rejected under 35 USC 103(a) as being unpatentable over **Jones** (US pat. No. 6,549,592 B1) in view of **Katsumoto** (US Pat. No. 6,501,730 B1).

In claims 1 and 8, **Jones** discloses, in Fig.2, an OFDM receiver 200 (a second node) that receives a time domain OFDM signal via a FIR filter 210 from an OFDM transmitter 100 ( a first node) in Fig.1 (receiving time domain OFDM bursts from the first node at the second node). See col.3, lines 55-67. The time domain signals is transformed to frequency domain signal via FFT processing blocks 216, 218, 220 (converting the time domain OFDM to frequency domain OFDM burst). See col.4, lines 7-20. In Fig.1, before transmitting, training symbols (selected symbols) having known values (transmitted values) are interspersed into the frequency domain signals (the frequency domain burst including selected symbols having known transmitted values). See col.2, lines 55-67. **Jones** does not disclose determining inter-burst phase differences for the selected symbols and determining coarse frequency offset between the first node and the

second node based on the phase differences. **Katsumoto** discloses, in Fig.1, a receiver that receives a digital broadcast OFDM signals. The receiver includes a frequency offset detector 8 that calculates the phase differences ( determining the phase differences) between the detected phase and the phase without frequency offset in order to detect a frequency offset amount ( determining frequency offset). See col.3, lines 27-35.

Since **Jones** teach a digital communication to synchronize certain parameters between a receiver and a transmitter, therefore, it would have been obvious to modify the receiver of **Jones** by having the frequency offset detector 8 of **Katsumoto** so as to determine the phase differences and frequency offset between the transmitter and the receiver in **Jones**. The motivation is to provide frequency synchronization at a second node.

In claims 2 and 9, the limitation of these claims have been addressed in claim 1.

In claims 3 and 10, **Jones** discloses, in Fig.3A, synchronization sub-bursts 302 & 304. each of which includes N time domain symbols (N time domain symbols), a cyclic prefix 306 (a cyclic prefix); and a supplemental cyclic prefix 308 (a supplemental cyclic prefix). See col.4, lines 32-44.

Claims 6 and 13 are rejected under 35 USC 103(a) as being unpatentable over **Jones** (US pat. No. 6,549,592 B1) in view of **Katsumoto** (US Pat. No. 6,501,730 B1), and further in view of **Lee** (US Pat. No. 6,373,861 B1).

In claims 6 and 13, **Jones** does not disclose varying a receive frequency of second node to correct the coarse frequency offset. **Lee** discloses, in Fig.5, an OFDM frequency synchronizing device comprising a frequency corrector 161 that compensates for a frequency

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offset of the filtered data (correcting frequency offset). See col.6, lines 57-65. Therefore, it would have been obvious to modify the receiver of **Jones** by having a frequency corrector of Lee so as to correct frequency offset. The motivation is to provide frequency synchronization at a second node.

### *Allowable Subject Matter*

Claims 4, 5, 7, 11, 12 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

In claims 4 and 11, the prior art does not disclose determining fractional symbol width frequency offset based on correlating the supplemental cyclic prefix to a corresponding of N time domain symbols.

In claims 7 and 14, the prior art does not disclose the received frequency is varied to correct the fractional symbol width offset prior to determining small integer symbol width frequency offset and coarse frequency offset.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mesiwala (US Pat. No. 6,097,776) discloses Maximum Likelihood Estimation of Symbol Offset.

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Schmidl et al. (US Pat. No. 5,732,113) discloses Timing and Frequency Synchronization of OFDM Signals.

Schmidl et al. (US Pat. No. 6,546,055 B1) discloses Carrier Offset Determination for RF Signals Having a Cyclic Prefix.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 703 306-5445. The examiner can normally be reached on Monday-Friday 8:30 AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 703 306-4744. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872-9314 for regular communications and 703 308-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-4700.

Hanh Nguyen

  
August 5, 2003